

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

RONALD SATISH EMRIT

v.

CA 13-179 ML

AMERICAN SOCIETY OF
COMPOSERS, AUTHORS AND
PUBLISHERS, et al.

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Objection to a Report and Recommendation issued by Magistrate Judge Almond on May 28, 2013. The Court has reviewed the Report and Recommendation, Plaintiff's Objection thereto, and Plaintiff's "First Amended Complaint" (Docket #38), apparently filed by Plaintiff in anticipation of this Court's adoption of Magistrate Judge Almond's recommendation that Plaintiff's original Complaint be dismissed without prejudice and with leave to file an Amended Complaint.

The Court adopts the Report and Recommendation in its entirety. Plaintiff's original Complaint is DISMISSED without prejudice.

The Court has reviewed Plaintiff's proffered "First Amended Complaint." It consists of twenty-one pages of factual allegations mixed together with argument responding to Magistrate Judge Almond's observations of the deficiencies of Plaintiff's original Complaint and arguments of Defendants as set forth in their Motions to Dismiss. Notably, Plaintiff has failed to comply with Fed. R. Civ. P. 8(a)(1) and 10(b). Because Plaintiff is proceeding *pro se*, this Court will grant him another opportunity to file an Amended Complaint that complies with Fed. R. Civ. P. 8(a) which provides:

(a) Claim for Relief. A pleading that states a claim for relief must contain:

- (1) **a short and plain statement of the grounds for the court's jurisdiction**, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (2) **a short and plain statement of the claim showing that the pleader is entitled to relief; and**
- (3) a demand for the relief sought, which may include relief in the alternative or different types of relief[,]

(Emphasis added)

and Fed. R. Civ. P. 10(b) which provides:

(b) Paragraphs; Separate Statements. **A party must state its Claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances.** A later pleading may refer by number to a paragraph in an earlier pleading. If doing so would promote clarity, each claim founded on a separate transaction or occurrence—and each defense other than a denial—must be stated in a separate count or defense. **(Emphasis added)**

Plaintiff's "First Amended Complaint" is DISMISSED for failure to comply with the Federal Rules of Civil Procedure. Plaintiff shall have an additional 21 days to file his Amended Complaint.

SO ORDERED:

/s/ Mary M. Lisi

Mary M. Lisi
Chief United States District Judge
June 4, 2013